Supreme Court, U.S.
FILED

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No.

IN THE

SUPREME COURT OF THE UNITED STATES

GERAL WAYNE SOSBEE
Petitioner

vs.

UNITED STATES DEPARTMENT OF JUSTICE; FEDERAL BUREAU OF INVESTIGATION; JANET RENO, In her official capacity; LOUIS FREEH, in his official capacity and individual capacity; JAMES DESARNO, in his official capacity and individual capacity
Respondents

On Petition For Writ of Certiorari To The United States Court of Appeals For The 9th Circuit

PETITION FOR WRIT OF CERTIORARI

Geral Wayne Sosbee
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46 pp

Questions Presented For Review

In documents filed with the lower Court the Respondents failed to deny any of Petitioner's allegations of FBI criminal conduct; and in the same documents, the Respondents admitted the central factual allegations of hostile actions against Petitioner; even in the absence of such admissions, the questions presented for review are as follows:

Did the lower courts err in:

1) Denying Petitioner's Motion For Temporary Injunction and dismissing Petitioner's case;

2) Refusing to order the Respondents to investigate Petitioner's claims of unlawful retaliation for disclosure of FBI criminal activity; and refusing to inquire into the legality of any electronic surveillance conducted by the FBI against Petitioner;

3) Refusing to require a statement from Respondent's associate, Assistant United States Attorney (hereinafter referred to as "AUSA") Ted Meeker, regarding the extent of his de facto representation of Petitioner in April, 1999;

4) Failing to address whether and to what degree the Whistle Blower Statute provides equal protection consistent with the Constitutional Rights of the Petitioner(a former Special Agent,FBI) who reports gross abuse of power, suppression of evidence, and perjury in criminal and civil cases);

5) Failing to order an investigation into ongoing violations of Federal Criminal Statutes as set forth in Petitioner's original petition with Exhibits;

6) Not affording other relief (whether legal or equitable) in response to the two year period of terroristic actions against Petitioner.

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1. Order of The United States Court of Appeals For the 9th Circuit (Pages A 1-3)
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5. 28 USC 1331 and 1343 (Pages A 9-10)
6. 5 USC Sect. 2303 (Pages A 10-12)
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8. FBI Letter Dated Dec. 17, 1999 (Page A 13)
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10. Petitioner's Motion For Extension and Order To Compel(Pages A 19-22)
12. California Police Reports: Gardena Police Dept. Report Dated 2-27-00, page A 23-24; Beverly Hills Police Dept. Report Dated 5-5-00, page A 24 ;Irvine Police Dept. Report dated 5-12-00,page A 25 ;Los Angeles Police Dept. Report dated 6-27-00, page A 26

TABLE OF CITED AUTHORITIES
(followed by page number
where cited in the instant
petition)

1. Alderman v. United States 394 U.S. 165, 22 L.E. 2d 176, 89 S.Ct. 961 (1969) U.S. reh den 394 U.S. 939.(page 8).

2. Cronin v. United States Dept. of Agriculture 919 F.2d 439 (7th Cir. 1990).(page 2).

3. Cunningham v. County of Los Angeles 869 F.2d 427 (9th Cir.1989) U.S. Cert den 110 S.Ct. 757.(page 11).

4. Ex Parte Milligan 71 U.S. 2 (1866) 18 L.E. 281.(page 8).

5. Giordano v United States 394 U.S. 310, 312-313 (1969) 22 L.E.2d 297, 89 S.Ct. 1163.(page 8).

6. Home Building and Loan Association v Blaisdell 290 U.S. 398 (1934) 78 L.E. 413, 54 S.Ct. 231.(page 8).

7. Mitchum v Hurt 73 F.3d 30 (3d Cir. 1995).(page 3).

8. Monell v New York City Dept. of Social Services 532 F.2d 259 (2nd Cir.1976) Cert gr 97 S.Ct.807, 429 U.S. 1071, 50 L.E.2d 789 Rev 98 S.Ct. 2018, 436 U.S. 658, 56 L.E.2d 611.(page 9).

9. O'Brien v Alexander 101 F.3d 1479 (2d Cir. 1996).(page 11).

10. Plaquemines Port Harbor and Terminal District V 838 F.2d 536 (D.C. Cir.1988)(page 2).

11. Proyecto San Pablo v INS 189 F.3d 1130 (9 th Cir. 1999). (page 3).

12. Rodriquez v Ritchey 556 F.2d 1185 (5th Cir.1977)United States Cert den 434 U.S. 1047 (1978).(pages 1 and 3).

13. Stanford v Texas 379 U.S. 476 (1965) 13 L.E.2d 431, 85 S.Ct. 506 United States reh den 380 U.S. 926.(page 12).

14. Stoneberger v United States 805 F.2d 1391 (9th Cir.1986).(page 11).

15. United States v Abilene and Southern Ry. Co. 265 U.S. 274 (1924) 68 L.E. 1016, 44 S.Ct. 565.(page 8).

16. United States v Robel 389 U.S. 258 (1967) 19 L.E.2d 508, 88 S.Ct.419(page 8).

The United States Supreme Court has jurisdiction in this case based on the following: i) The United States Court of Appeals, 9th Circuit, entered the judgment/order on , 2000. ii) The statutory provisions believed to confer on the United States Supreme Court the jurisdiction to review on a Writ of Certiorari the order in question are as follows: The Everts Act (Judiciary Act of 1891); The Judges Bill (Judiciary Act of 1925); Article III of the Constitution of the United States vests the United State Supreme Court with appellate jurisdiction. Supreme Court Rule 10 also provides jurisdiction in a case where 1) the appeals court decision has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of the Supreme Court's supervisory power (Sup.Ct.R. 19 (1)(b) of the 1970 Rules), and 2) an important

question of federal law has not been, but should be, settled by the Supreme Court especially when significant constitutional questions are raised.

All parties required to be served have been served.

Petitioner is not a corporation and no stock is issued.

The Constitutional provisions, statutes and regulations involved in the instant case are set forth below and are followed by the page number where cited in the instant Petition(See Appendix for verbatim passages).

1. U.S. Const. Preamble, Art. IV Sec.2, Art.VI, and Amends.I,IV, V, VI, VII,VIII, IX, X, XIV, SEC. 1 (pages 3,5,7,8,9,12,13).

2. 42 USC 1983.(1994)(pages 2,6).

3. 5 USC 2303 (1989 ,with Presidential Memo).(pages 11,13).

4. Federal Rules Civil Procedure Rule 11(Jan.31,2000)(page 10).

5. 28 USC 1331(1980)(page 2).

6. 28 USC 1343(1979)(page 2).

OPINIONS OF THE LOWER COURTS

1) United States Court of Appeals, 9th Circuit, denied Petitioner'Motions for Injunction and Stay of lower Court's Dismissal of case (See Appendix).
2)United States District Court Order denied Injunction and Dismissed case (See Appendix).

STATEMENT OF THE CASE

For the past two years the Respondents have engaged in unlawful and malicious harassment in retaliation against Petitioner, including assault and battery, destruction of Petitioner's personal property, electronic and physical surveillance in Petitioner's home, car and person, the planting of chemicals in Petitioner's food(causing dysfunctions of body parts), the repeated disabling of Petitioner's car, the regularly timed invasions into Petitioner's home and car with concomitant tamperings with personal effects therein, and extensive character assassination, including verbal assaults by respondents' Counsel (See Appendix).

In April 1999, Plaintiff personally met with Respondent's Associate, AUSA Ted Meeker of Honolulu, Hawaii and Petitioner provided AUSA Meeker with evidence of FBI retaliation against Petitioner; Petitioner also provided AUSA Meeker with evidence of perjury and suppression of evidence by the FBI in a case in which the Petitioner was the arresting officer (See Rodriquez v. Ritchey 556 F.2d 1185 (5th Cir.1977); United States Cert den 434 U.S.1047(1978). AUSA Ted Meeker then intervened to attempt to stop FBI retaliation against Petitioner; however, AUSA Meeker contacted Petitioner in April, 1999 and stated he cannot stop the FBI.

In Los Angeles the Respondents continued and intensified the retaliation, preventing Plaintiff from renting an

apartment and perpetrating other terroristic actions described herein. Even after Petitioner filed suit and throughout the period of time during which the present case is on appeal the FBI continued its retaliation against Petitioner as described above.The Respondents failed to deny any of Petitioner's allegations of criminal or unlawful conduct and in some instances admitted to engaging in many of the actions complained of in Petitoner's original petition. Nevertheless, the United States District Court dismissed Petitioner's case with prejudice at the hearing on Petitioner's Motion for a Preliminary Injunction.

The basis for jurisdiction in The United States District Court, Los Angeles, California, is The United States Constitution and The Civil Rights Act of 1871 [42 U.S.C. Section 1983 and 28 U.S.C. Section 1343 and 1331]. After The United States District Court dismissed Petitioner's case, Notice of Appeal was filed and The United States Court of Appeals for The 9th Circuit reviewed the case.

According to 28 USC 1331 the "...proper judicial remedy in this case is to order agency to hold proper hearing...." See also Cronin v. United States Dept. of Agriculture 919 F.2d 439 (7th Cir. 1990). Also, 28 USC 1331 allows Plaintiff to present constitutional issues in petition for review of the FBI administrative decision not to investigate. See Plaquemines Port, Harbor & Terminal Dist. v FederalMaritime Com. 838 F.2d 536 (D.C. Cir.1988). The Civil Services Retirement Act "...does not preclude federal employees from seeking equitable relief against agencies for allegedly unconstitutional actions, even though federal employees have

administrative remedies and right to judicial review; power of federal courts to grant equitable relief for constitutional violations has long been established and courts should be very hesitant before concluding that Congress has impliedly imposed such restriction on authority to award injunctive relief to vindicate constitutional rights." Mitchum v. Hurt 73 F.3d 30 (3d Cir. 1995). In absence of specific statutory provision to the contrary, district courts have jurisdiction to review agency action as part of their general federal question jurisdiction. Proyecto San Pablo v. INS 189 F.3d 1130 (9th Cir. 1999). In the instant case agency inaction is reflected in letter dated December 17, 1999, by John H. Conditt, Jr., FBI Office of Professional Responsibility who stated that administrative review is pending; by letter dated March 31, 2000, John E. Collingwood, FBI Assistant Director, stated "...no inquiry..." is forthcoming. Therefore, Petitioner has exhausted all remedies both within the United States Department of Justice and within the United States Congress (as evidenced by Petitioner's Exhibit 1 filed in the lower courts).

The Petitioner further amplifies the reasons relied on for allowance of the Writ as follows:

In Petitioner's original petition with exhibits Petitioner provided the United States District Court with evidence of FBI extensive and hostile retaliation against Petitioner who released information to Congress (and to The United States Court of Appeals, 5th Circuit) regarding FBI fraud in the Rodriguez case, *supra*. Shortly after Plaintiff's disclosure, Plaintiff became The object of an intensive world-wide FBI retaliation in apparent efforts to silence or neutralize

Petitioner through psychological warfare against Petitioner.

Petitioner filed suit to recover losses caused by Respondents and to stop the Respondents from continuing the investigative/harassment campaign against him. At the very least Petitioner sought a ruling which would order the United States Department of Justice to investigate Petitioner's allegations of FBI terrorist actions against Petioner both in the United States and abroad. The FBI admits receiving Petitioner's claims of FBI criminal conduct and admits to the responsibility to investigate Petitioner's claims (See FBI letter in Appendix). No investigation was conducted and Petitioner's only viable recourse (after asking the FBI, The Justice Department and the Congress for help) was to file suit. All three branches of government to date refuse to stop FBI's unlawful action against Petitioner.

After Petitioner filed suit, the Respondents made an appearance by their Motion in Opposition (hereinafter referred to as "Opposition",See Appendix) to Plaintiff's Motion for Preliminary Injunction. The Opposition is the only substantive responsive document of which the Petitioner is aware filed in the lower Court by the Respondent. The United States District Court, cognizant of Petitioner's abundant evidence of FBI criminal conduct (and of the admissions by Respondents in the Opposition) *sua sponte* and without notice or an opportunity for Plaintiff to be heard, dismissed the case in violation of Article VI of the United States Constitution.The District Court was arbitrary and capricious in its rulings, further denying Petitioner the right to discovery procedures and the right to fair hearings. The District Court disregarded the facts presented by Petitioner in

pleadings and in witnesses' testimony and the Court ignored the laws which demand that the government attempt to correct the wrongs set forth by Petitioner. Indeed, the Court revealed a bias against Petitioner upon dismissal of the case when the Judge mused openly: "Why would the FBI be interested in you..." (The Plaintiff)? Furthermore, for evidence of fraud in the preparation of the transcript of the District Court's hearing on July 3,2000, see Appendix for Petitioner's Motions For Extension of Time to File and Order To Compel, dated August 20,2000.

In the District Court's haste to dismiss Respondent's case that Court also disregarded admissions of misconduct and deceit by the Respondents as contained in the Opposition. Specifically, the Respondent did not deny Petitioner's allegations of FBI criminal misconduct in retaliation against Petitioner; this lack of denial is in itself suggestive of an admission of the facts alleged.

The District Court also ignored an acknowledgment by Respondent's Counsel that at least one issue before the Court involves abusive and unlawful electronic surveillance of Petitioner (See Opposition). The Court is required by the Fourth Amendment to the United States Constitution to declare electronic surveillance conducted against Plaintiff without a warrant to be unlawful; further, the District Court is expected to set a hearing on the legality of any Court Order (or Magistrate Order) authorizing the continuation of electronic surveillance conducted against the Plaintiff. The Court abused its discretion in dismissing Plaintiff's case and in denying the Motion for Preliminary Injunction.

The District Court also disregarded admissions by Respondents' Counsel in the Opposition where Respondent states "even

if the FBI were conducting an investigation of Sosbee..." and " ... even if the FBI were conducting an on-going investigation of Sosbee...." These "even if" declarations in the context of Petitioner's allegations of FBI criminal conduct (absent an express denial of such conduct)represent admissions (however adumbrated) of the facts propounded. Therefore, the Court was obligated to treat such statements as fact, or at least permit Petitioner an opportunity to prove that such FBI investigations were unlawful, abusive, and violative of 42 USC 1983; or in the alternative permit Petitioner an opportunity for Discovery.

The District Court also ignored an admission by Respondent's Counsel that Petitioner has a right to Discovery (See Opposition). In another admission to the Court in the same document the Respondents state that Public Interest authorizes the conduct alleged by Petitioner with regard to abusive FBI surveillance and home invasions. Again, failure of Respondents' Counsel to deny such surveillance in the context of Petitioner's suit is suggestive of an admission of the same conduct. The repetitive hypothetical assertions by the Respondents' Counsel in the Opposition, without denying the underlying premise, represent an admission that in fact the FBI carried on an investigation of Petitioner as alleged in Petitioner's pleadings. Petitioner should have been permitted to examine in more detail the basis for the FBI investigation and surveillance of Plaintiff. In the Opposition Respondent states "Even if the FBI were conducting an on-going investigation of Petitioner, the public interest would be harmed if the FBI were required to stop conducting investigations.

"The Respondents' repeated referrals to "Public Interest" is not a meaningful term for statutory interpretation in the present context; also, Respondents' use of labels such as "possible crimes" and "public interest" raise the question, "What do these statements mean?"

In light of the facts presented to The Court and by the application of the law of the land to the facts presented, the Petitioner's case against the Respondents should be heard and decided by a jury, especially given the egregious conduct alleged by Petitioner. The lower courts denied Petitioner an opportunity for a jury trial and denied him the privileges and immunities guaranteed by Article IV of the United States Constitution; the courts also denied Plaintiff:

1) his right to petition The government for a redress of grievances in violation of the First Amendment to the United States Constitution (All future references to Amendments refer to the United States Constitutional Amendments).

2) his right to be informed of the nature and cause of the accusations against him in violation of the Sixth Amendment;

3) his right to confront witnesses against him in violation of the Sixth Amendment;

4) his right to be secure in his home, papers, and personal effects against unreasonable search and seizure in violation of The Fourth Amendment;

5) his right to a jury trial in violation of the Sixth and Seventh Amendments;

6) his inalienable right to liberty and the pursuit of happiness in violation of the Preamble to and the

spirit of the United States Constitution and in violation of the Fifth Amendment;

7) his right to due process of law and equal protection under the law in violation of the Fourteenth Amendment;

8) his right to be free from cruel and unusual treatment in his home and car in violation of The Eighth Amendment. All of the conduct alleged was in direct violation of Rights guaranteed by the United States Constitution and by the Ninth and Tenth Amendments and as applied to the States under the Fourteenth Amendment.

With respect to the admissions mentioned above, the Court in Giordano v. United States 394 U.S. 310, 312-313 (1969)22 L.E.2d 297,89 S.Ct.1163, made clear that a district judge "Confronted with an admission of electronic surveillance is required to make a determination of legality." In Alderman v. United States, 394 U.S. 170,22 L.E.2d 176, 89S.Ct.961, U.S. reh den 394 U.S. 939 the Court remanded several cases stating that " the District Court must develop relevant facts and decide if the Government's electronic surveillance was unlawful." In such instances the government must disclose all the facts to the Court and Counsel and a hearing must be held (See United States v. Abilene and Southern Ry. Co 265 U.S. 274 (1924). See also Home Building and Loan Association v. Blaisdell, 290 U.S. 398, 426 (1934) regarding the need to endlessly safeguard essential liberties. See also United States v. Robel 389 U.S. 258 (1967)19 L.E.2d 508,88 S.Ct.419. In Ex Parte Milligan 71 U.S. 2, 120, 124 (1866) the Court explains that "Wicked men, ambitions of Power, with hatred of liberty and contempt of law" may someday hold high positions in our government and that,

absent these essential liberties, our nation would face its darkest hour. The Respondents are liable for all the injuries sustained by Plaintiff, based on the principles set fourth forth in Monell v. New York City Dept. of Social Services 32 F.2d 259 (2nd Cir.1976)Cert gr 97 S. CT. 807, 429 U.S. 1071, 50 L.E.2d 789, Rev 98 S. Ct. 2018, 436 U.S. 658, 56 L.E.2d 611.

The continuing electronic surveillance by Respondents of Petitioner in his home is an arbitrary intrusion into the Petitioner's privacy and is in violation of Due Process and liberty interests and is not authorized by law; the violence inflicted on Plaintiff's person (as documented by medical doctors) by chemical plantings in food and by continuous electronic surveillance and strategic tamperings in Petitioner's home and car, without charges ever pending or being filed was unnecessary, unreasonable, and excessive, and in violation of Plaintiff's Fourth and Eight Amendment Rights under the United States Constitution. By such conduct the Respondents show a complete indifference to the nature and liberties protected by this nation's Constitution. Under no circumstances in the instant case may the Petitioners' exercise of his constitutional rights and liberties give the FBI authority to engage in criminal offenses against the Petitioner.

At no time during the past two years did the FBI allege criminal or unlawful conduct by Petitioner; yet, the FBI continues home invasions, electronic surveillance, chemical plantings in food, disablings of car, and other hostilities against Petitioner. All such actions are now defended by Respondent (who makes no effort to deny Petitioner's claims) in the name of public interest and public safety; yet, such defense lacks three essential

ingredients: relevance, materiality, and evidentiary support.

Additionally, the Respondent asserts in the Opposition that Petitioner has presented " No evidence " of an FBI investigation. This statement is simply not true; AUSA Ted Meeker confirms the investigation and Respondent again violates Rule 11 (supra) by denying or withholding AUSA Meeker's knowledge of the investigation. Also, see in the Appendix the FBI admission of investigation and refusal to release additional information (regarding official FBI investigation)as such divulgence is exempt from release by "…provisions of the Privacy Act." The FBI has a duty to disclose and to investigate Petitioner's claims. Instead, the FBI continues its dual charade of officially investigating Petitioner while at the same time unofficially terrorizing him.

The Following items of evidence supporting Petitioner's case were also disregarded by the Court: 1) Affidavit and testimony by H.S. Cha directly corroborating Petitioner's allegations of terrorist retaliation. 2) Police and medical reports in Petitioner's Exhibit I, pages 73-80 (See also Appendix) confirming crimes and injuries as alleged by Petitioner. 3) Statement of Lilia Hernandez verifying Petitioner's reports of terrorist actions by FBI. 4) U.S. Postal Inspector written statement in Petitioner's Exhibit I, p. 44, confirming FBI/Postal coordination to discredit Petitioner by false statement attributed to Petitoner with regard to "conspiracy". 5) All items in Petitioner's Exhibit I in the aggregate tend to confirm by circumstantial evidence the facts alleged by Petitioner in his case in chief. 6) Los Angeles Police Department Report # 99-4111 regarding a fraudulently conceived and illegally carried out attempted failed

sting on Petitioner by FBI/ Los Angeles Police Department. 7) Evidence that AUSA Ted Meeker as associate of Defendant's Counsel played a role in Petitioner's case when AUSA Meeker directly contacted the FBI and confirmed FBI intensive investigation of Petitioner in Honolulu, Hawaii in 1999. 5 USC 2303 and the accompanying Presidential Memo requires that the Respondent's Counsel and AUSA Meeker press for Department of Justice investigation of FBI abuse of authority in retaliation against Petitioner. Failure to honor 5 USC 2303 led in part to the present case.

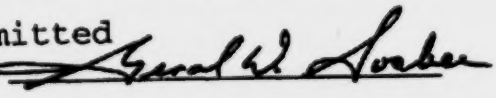
By withholding information regarding AUSA Ted Meeker's involvement in this case and his role in de facto representation of Petitioner, the Counsel for Respondent also misled the Court; then Respondent knowingly made a false statement to the Court regarding Petitioner's pleading (as Counsel for Respondent falsely characterized Petitioner's pleading as incomprehensible).This Statement by Respondent's Counsel in the Opposition is also totally lacking in evidentiary support and is violative of professional ethics and the law. O'Brien v. Alexander 101 F.3d 1479, 1490 (2d Cir. 1996). The repeated and reckless mis-characterization of Petitioner's pleading by Respondents' Counsel was done in bad faith and should have been addressed by the Court. 28 USC 1927; Cunningham v. County of Los Angeles, 869 F.2d 427, 436 (9th Cir.1989); Stoneberger v. United States 805 F2d 1393(9th Cir.1986) 447 U.S. 767, 100 S.Ct.2464. With regard to material and relevant evidence in the possession of AUSA Ted Meeker as outlined above and with reference to the efforts to denigrate Petitioner, the Respondents' Counsel violated Rule 11 of the Federal Rules of Civil Procedure (See Appendix).

The United States Court of Appeals, 9th Circuit, by denying Petitioner's requests for a Preliminary Injunction and Motion to Stay the Order Dismissing the case, gave its imprimatur to all of the above described errors of the District Court. Perhaps the most serious error was the failure of the Courts to acknowlwdge a fundamental precept of American Jurisprudence: That abuse of power, such as egregious violation of 4th Amendment Rights and concomitant criminal assault and battery on a citizen of the United States by a federal law enforcement agency as occurred in the instant case demands judicial relief. "No Government official should possess the power to deny any person the protection enacted by the Fourth Amendment and founded in the experience of Colonial America...." See Stanford v Texas 379 U.S. 476, 481 (1965).

In summary Petitioner in 1972 and again in 1978 was required to choose between two complex and consequential propositions: 1) Expose government fraud and corruption and risk retaliation, or 2) Withhold such evidence and witness the continual disintegration of our constitutional democracy as innocent people wrongfully suffer at the hands of irresponsible and sometimes criminal government agents. The present appeal reflects the Petitioner's trust in the checks and balances of government which theoretically prevent one branch, or a tyrannical component thereof, from routinely violating the Constitutional Rights of United States citizens, especially those who with great personal loss report government fraud and gross abuse of power. In this respect a fundamental constitutional issue emerges from this case: In a manner consistent with The United States Constitution may

the Congress of the United States enact a law (The Whistle Blower Protection Act of 1989, 5 USC 2303, See Appendix) in such a way as to exclude an entire class of citizens (i.e.: FBI/CIA agents) from its protection. If the answer to this question be 'Yes', then potentially deadly terrorist retaliation against members of that class(and ultimately against members of the general public) by agencies of the United States Government may be legally sanctioned. This is an important question of Federal Law which has not been settled, but should be.

In consideration of the foregoing Plaintiff seeks 1) A Preliminary Injunction as set forth in the original filings, 2) A Stay of the Order Dismissing the case, 3) An Order compelling the court to inquire into the legality of any FBI surveillance, 4) An Order compelling Janet Reno and the United States Department of Justice to investigate Petitioner's allegations as set forth herein, or the appointment of a Special Prosecutor to investigate Petitioner's charges.

Respectfully Submitted
Dated and Signed 

July 27 2001

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NOT FOR PUBLICATION

FILED

JUL 23 2001
CATHY A. COMON, CLERK
U.S. COURT OF APPMS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GERAL WAYNE SOSBEE, Plaintiff-Appellant, V. UNITED STATES DEPARTMENT OF JUSTICE;et al., Defendants-Appellees.	No. 00-56179 D.C. No.CV-00-05910-R MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted July 9, 2001**

Before: KOZINSKI, T.G. NELSON, and TALLMAN, Circuit Judges.

Geral Wayne Sosbee appeals pro se the district court's order dismissing his

action with prejudice and denying his motion for a preliminary injunction.

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* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as may be provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Sosbee's action alleged that defendants waged a terrorist campaign against him that included home invasions, car invasions, and chemical plantings in his food. We have jurisdiction pursuant to 28 U.S.C. § 129 1. We review de novo dismissals of complaints without leave to amend. *nittington v. Whittington,* 733 F.2d 620, 621 (9th Cir. 1984). We review for abuse of discretion a grant or denial of a preliminary injunction. *Gorbach v. Reno,* 219 F.3d 1087, 1091 (9th Cir. 2000) (en banc). We affirm.

The district court did not err in dismissing Sosbee's claims against the United States Department of Justice, the Federal Bureau of Investigation, and the individual defendants in their official capacities because agencies of the United States and federal agents in their official capacities are immune from suit for constitutional violations. *See Vaccaro v. Dobre,* 81 F.3d 854, 857 (9th Cir. 1996).

The district court did not err in dismissing Sosbee's claims against the individual defendants

in their individual capacities because Sosbee did not allege their personal involvement in the constitutional deprivation, or a sufficient causal connection between their wrongful conduct and the constitutional violation. *See Hansen v. Black*, 885 F.2d 642, 646 (9th Cir. 1989).

The district court did not abuse its discretion in denying Sosbee's motion for a preliminary injunction. *See Foti v. City of Menlo Park*, 146 F.3d 629, 634(9th Cir. 1998).

Sosbee's remaining contentions are considered and rejected.

AFFIRMED.

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA WESTERN DIVISION

GERAL WAYNE SOSBEE, V.	)	Case No. CV 00-05910-R (MCX)
UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION JANET RENO, In her official Capacity, LOUIS FREEH, in his Official and individual capacity, JAMES DESARNO, in his Official and individual capacity DOES 1 through X in their official And individual capacity	)	ORDER DENYING PLANTIFF'S MOTION FOR PRELIMINARY IN-JUNCTION AND DISMISSING THE AND COMPLAINT ACTION WITH PREJUDICE
	)	**THIS CONSTITUTES NOTICES OF ENTRY AS REQUIRED FRCP RULE 77(d).**
Defendants.	)	

This matter came before the Court on Monday, July 3, 2000. Plaintiff Geral Wayne Sosbee appeared in *pro se*: Defendants were represented by Alejandro N. Mayorkas, United States Attorney, by Leon W. Weidman, Assistant United Sates Attorney, Chief, Civil Division and Sara R. Robinson, Assistant United States Attorney.

The Court considered the file, the papers filed by the parties, the witnesses presented by plaintiff and the evidence provided by plaintiff. The court considered the demeanor of the witnesses and their testimony.

Now therefore, based on the foregoing, the Court denies plaintiff's Motion for Preliminary Injunction and, after considering the evidence presented on the merits in the context of plaintiff's motion for preliminary injunction, also dismisses the Complaint and action with prejudice.

Dated: July 6, 2000.

S/_____
MANUEL L. REAL
United States
District Judge

Presented By:

ALEJANDRO N. MAYORKAS
United States Attorney
LEON W. WEIDMAN
Assistant United States Attorney
Chief, Civil Division

S/_____
SARA R. ROBINSON
Assistant United States Attorney

Attorneys for Defendant Department
Of Justice, et al.,

THE CONSTITUTION OF THE UNITED STATES OF AMERICA

Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote to general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article IV

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Article VI

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Amendment I [1791]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IV [1791]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V [1791]

No person shall ...be deprived of life, liberty, or property, without due process of law...

Amendment VI [1791]

...[t]he accused shall... be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the Assistance of Counsel for his defense.

Amendment VII [1791]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII [1791]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX [1791]

The enumeration in the Constitution, of certain rights shall not be construed to deny or disparage others retained by then people.

Amendment X [1791]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Amendment XIV [1791]

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny person within its jurisdiction the equal protection of the laws.

RULE 11 FEDERAL RULES CIVIL PROCEDURE
REPRESENTATIONS TO
COURT

(b) Representations to Court. By presenting to the court (whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances,

(1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a non-frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(3) the allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

DISTRICT COURT JURIS. 28 USC SECTION 1343

Section 1343. Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42 [42 USCS Section 1985];

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of

citizens or all persons within the jurisdiction of the United States;

(4) To recover damages or secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

Section 1331. Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, law, or treaties of the United States.

(June 25, 1948, ch 646, §1, 62 Stat. 930; July 25, 1958, P. L. 85-554, §1, 72 Stat. 415; Oct. 21, 1976, P.L. 94-574, §2, 90 Stat. 2721; Dec. 1, 1980, P.L. 96-486, §2(a), 94 Stat. 2369.)

5 USC Section 2303. Prohibited personnel practices in the Federal Bureau of Investigation

(a) Any employee of the Federal Bureau of Investigation who has authority to take, direct other to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau as reprisal for a disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose) which the employee or applicant reasonably believes evidences--(1) a violation of any law, rule, or regulation, or (2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

For the purpose of this subsection, ''personnel action'' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) of this title with respect to an employee in, or applicant for, a position in the Bureau (other than a position

of a confidential, policy-determining, policymaking, or policy-advocating character).

(b) The Attorney General shall prescribe regulations to ensure that such a personnel action shall not be taken against an employee of the Bureau as a reprisal for any disclosure of information described in subsection (a) of this section.
(c) The President shall provide for the enforcement of this section in manner consistent with applicable provisions of sections 1214 and 1221 of this title.

Other provisions: Delegation of responsibilities concerning FBI employees under the Civil Service Reform Act of 1978 Pres. Mem. Of April 14, 1997, 62 Fed. Reg. 23123, provides: "Memorandum for the Attorney General "By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate of the Attorney General the functions concerning employees of the Federal Bureau of Investigation vested in the President by section 101(a) of the Civil Service Reform Act of 1978 (Public Law 95-454), as amended by the Whistle blower Protection Act of 1989 (Public Law 101-12), and codified at section 2303(c) of title 5, United States Code, and direct the Attorney General to establish appropriate processes within the Department of Justice to carry out these functions. Not later than March 1 of each year, the Attorney General shall provide a report to the President stating the number of allegation of reprisal received during the preceding calendar year, the disposition of each allegation resolved during the preceding calendar year, and the number of unresolved allegations pending as of the end of the calendar year. "All of the functions vested in the President by section 2302(c) of title 5, United States Code, and delegated to the Attorney General, may be re-delegated, as appropriate, provided that such functions may not be re-delegated to the

Federal Bureau of Investigation."You are authorized and directed to publish this memorandum in the Federal Register."

42 USC 1883
Section 1983. Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and Law, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. For the purpose of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. (R.S. Section 1979; Pub. Law 96-170, Section 1, Dec. 29, 1979, 93 Stat. 1284.)

U.S. Department of Justice

Federal Bureau of Investigation

Washington D.C. 20535-0001

December 17, 1999

Mr. Geral W. Sosbee
12807 Barbara Ann Street
North Hollywood, CA 916006

Dear Mr. Sosbee:

Your undated letter to the Office of the Inspector General was referred to the Federal Bureau of Investigation's (FBI) Office of Professional Responsibility (OPR) for review. OPR is the FBI entity responsible for investigating allegation of serious misconduct or criminal activity on the part of FBI employees.

I have reviewed the allegations set forth by you in your communication and assure you this matter will receive appropriate attention. Due to provision on the Privacy Act, I am unable to share additional information with you concerning this matter.

Thank you for bringing this matter to my attention.

Sincerely.

S/
John H. Conditt, Jr.
Chief, Internal Investigative
Unit I Office of Professional
Responsibility

ALEJANDRO N. MAYORKAS
United States Attorney
LEON W. WEIDMAN
Assistant United States Attorney
Chief, Civil Division
SARA R. ROBINSON
Cal. Bar No. 147437
Assistant United States Attorney
Room 7516 Federal Building
300 North Los Angeles Street
Los Angeles, California 90012
Telephone: (213) 894-6585
Facsimile: (213) 894-7819
Attorneys for Defendants United States Department of Justice, Federal Bureau of Investigation, et al.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

GERAL W. SOSBEE, PLAINTIFF, V. UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, JANET RENO, in Her official Capacity, LOUIS FREEH, In his official and individual capacity JAMES DESARNO in his Official & Individual DOES 1 through X in Their Official and Individual capacity Defendants.	Case No. CV 00-05910-R (MCx) OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF MONICA MCLEAN IN SUPPORT THEREOF THEROF Date: July 3, 2000 Time: 10:00 a.m. Place: Courtroom of the Honorable Manuel L. Real

I.

INTRODUCTION

Defendants United States Department of Justice, Federal Bureau of Investigation, Janet Reno, Louis Freeeh and James Desarno, hereby oppose Plaintiff Geral Wayne Sosbee's (Sosbee) Motion for Preliminary Injunction. The Motion should be denied because Sosbee's Motion and Complaint are virtually incomprehensible and show no basis for any relief to be granted. Accordingly, Sosbee has not shown a likelihood of success on the merits. In addition, Sosbee failed to provide an adequate evidentiary showing that there is any possibility of irreparable harm if the preliminary injunction is not granted. Therefore, Sosbee has not satisfied the requirements for injunctive relief and his Motion should be denied.

II.

ARGUMENT

Sosbee's motion for preliminary injunction, like his complaint, is bizarre, rambling and virtually incomprehensible. To the extent that it is comprehensible at all, Sosbee seems to be alleging that he is the current target of extensive FBI surveillance and that agents of the United States government are engaging in "abusive and unlawful electronic surveillance" of Sosbee, (Complaint, 1), invading his home and car, (Id.), and planting drugs in his food. (Id.) However, by no stretch of the imagination has Sosbee set forth any justification for imposing a preliminary injunction in this case.

The Ninth Circuit has stated that, to obtain a preliminary injunction, the moving party must demonstrate either (1) a combination of probable success on the merits and the possibility of irreparable injury, or

(2) that serious questions are raised and that the balance of hardships tips sharply in its favor. Tribal Village of Akutan v. Hodel, 859 F.2d 662, 663 (9th Circuit 1988), citing Los Angeles Memorial Coliseum Comm'n V. National Football League, 634 F.2d 1197, 1201 (9th cir. 1980). The former is referred to as the "traditional" test; the latter is called the "alternative" test. See Los Angeles Memorial Coliseum Comm'n V. National Football League, 634 F.2d 1197, 1200 (9th Cir. 1980).

Sosbee made no reference at all to the legal standards adopted by the Ninth Circuit for getting a preliminary injunction. However, if he had done so, he would have had to note that the Ninth Circuit has stated that these two formulations are not really different methods of analysis, but rather represent different points along a single continuum which is used to determine whether injunctive relief is appropriate. When the criteria for injunctive relief are applied, likelihood of success and the injury at stake are analyzed along a continuum, so that a party who only can show a possibility of irreparable harm must demonstrate that it is probable that it will succeed on the merits, while a lesser doing of likelihood of success may be compensated for by demonstrating an increased risk of irreparable injury, i.e., that the balance of hardships tip decidedly in that party's favor. See Caribbean Marin Servs. Co. v. Baldridge, 844 F.2d 668, 674 (9th Cir. 1988); Los Angeles Memorial Coliseum, 634 F.2d at 1200. As a result, the "traditional" test represents a situation where the moving party has made a strong showing that it is quite likely to succeed on the merits, so it only need show a possibility of irreparable harm, while the "alternative" test represents a situation where the likelihood of success is more doubtful and the demonstration of harm greater.

A. Sosbee Cannot Show That It Is Likely He Will Succeed on the Merits

Sosbee's Motion should be denied regardless of the degree of harm he claims because he has failed to demonstrate that he is likely to succeed on the merits. Defendant has submitted the Declaration of FBI Special Agent Monica McLean stating that the FBI is not conducting any surveillance of Sosbee and there is currently no open investigation of him at all. (Declaration of Monica McLean 3). Other than his wild and disjointed ramblings, Sosbee presents no evidence that there is any FBI investigation of him being conducted at the present time.

For the foregoing reasons, Sosbee has failed to show a likelihood of success on the merits and his Motion should be denied.

B. Sosbee Has Not Demonstrated a Possibility of Irreparable Injury.

The court need not even reach the irreparable injury prong of the test for injunctive relief because Sosbee has failed to show a likelihood of success on the merits. In the absence of such a showing, Sosbee may not obtain preliminary relief regardless of the degree of harm he claims. See Sierra Club V. Hickel, 433 F.2d 24, 33 (9th Cir. 1970) (moving party must show both likelihood of success and chance of irreparable injury); San Antonio Community Hosp. V. Southern Cal. Dist. Council of Carpenters, 125 F.3d 1230, 1234 (9th Cir. 1997) (moving party must show fair chance of success on the merits as an irreducible minimum). However, even it were assumed *arguendo* that Sosbee had been able to show a likelihood of success, his Motion should be denied because it has not proven any possibility of irreparable injury.

Even if the FBI were conducting an investigation of Sosbee, once the litigation moved forward and Sosbee could do discovery, he could determine the grounds for such an investigation and then, if appropriate, challenge them. However, other than his wild accusations of his car being broken into,

Sosbee has presented no evidence that the FBI is actually conducting an investigation of him and certainly no evidence that the FBI is breaking into Sosbee's car and home. Although Sosbee conclusorily asserts he is suffering injury at the hands of the FBI, those claims appear to be no more than the unfortunate and unfounded charges of an unbalanced mind. Nothing in the Motion or Complaint establishes that Sosbee is indeed suffering, or will suffer, any real injury at the hands of the FBI.

Because Sosbee fails to provide any evidentiary showing to support his claim of alleged harm, his assertions should be disregarded.

C. The Public Interest Would Be Harmed by Requiring the FBI to Cease Conducting Investigations In The Face Of Bizarre Claims Such As Sosbee's.

Even if the FBI were conducting an on-going investigation of Sosbee, the public interest would be harmed if the FBI were required to stop conducting investigations. The FBI is charged with the duty of investigating threats to public safety and possible crimes. If the FBI could be stopped from carrying out it's mandated functions by the unsupported claims of an unbalanced individual, the public interest in safety and crime prevention would be harmed. Rather than favoring Sosbee's request for issuance of a preliminary injunction, the public interest favors denial of Sosbee's Motion.

III.
CONCLUSION

For the foregoing reasons, the Motion for a Preliminary Injunction should be denied.
Dated: June 16, 2000.

ALEJANDRO N. MAYORKAS
United States Attorney
LEON W. WEIDMAN

Assistant United States Attorney
Chief, Civil Division

S/
SARA R. ROBINSON
Assistant United States Attorney
Attorneys for Defendant
Department Of Justice, Federal Bureau of Investigation, Janet Reno, Louis Freeh and James Desarno

IN THE UNITED STATES COURT OF APPEALS

NINTH CIRCUIT

Geral Wayne Sosbee, Plaintiff, VS. UNITED STATES DEPARTMENT OF JUSTICE; FEDERAL BUREAU OF INVESTIGATION; JANET RENO, in her official Capacity; LOUIS FREEH, in Official and individual capacity; JAMES DESARNO in his official and individual capacity	Notice of and Motions for: 1. Extension of Time To File True and Accurate Transcript and 2. Order To Compel Court Reporter LeBlanc To Turn Over And Surrender All Notes and Recordings In Instant Case.
	Docket No: 00-56179 Lower Case No: CV 5910

COMES NOW PLAINTIFF in the above styled and numbered case and for cause would show the Court that irregularities in the preparation of the transcript require instant motions.

Plaintiff hereby serves Notice to all Parties that the transcript prepared by Leonore A. LeBlanc, Official Court Reporter in the instant case appears to contain false entries and false transcriptions with regard to the record in this case as set forth below:

Page 13 Line 7 Transcript reads: "(unintelligible)". Transcript should read, "Witness answered "yes" by word and motion of head".

Line 9 Transcript reads "(Demonstrating)" Transcript should read "Demonstrating Affirmatively (yes) to question."

Line 13 Transcript reads " (unitelligible)". Transcript should read, "yes, and demonstrating yes by motion of head".

Line 17 Transcript reads, "Don't touch it". Transcript should read, "witness demonstrating with motion of hands and in third person that she "don't touch it".

Line 7 Transcript reads "Mr. Sosbee, why do you think the Government is interested in you?" Transcript should read "Mr. Sosbee, why would the FBI Be interested in you?"

Line 11 Transcript reads "Why do you think that the government is Interested in you?"
Transcript should read "Why would the FBI be interested in you?"

Line 13 Transcript contains thefollowing False Entry: "Will you Prepare the Order Counsel."
Transcript should reflect that the Judge made no such Question or statement.

Line 14 Transcript contains the following false entry: "Yes, Your Honor. Thank You."
Transcript should reflect that no such statement was made.

*Page 16

Line 18 Transcript contains the following false entry: "Your Honor Is it dismissed with prejudice or without?"
Transcript should read "Your Honor, with prejudice?"

Line 20 Transcript contains the following false entry: "With Prejudice".
Transcript should read: "Yes".

It should be noted that the doctored transcript is fraudulent on its face, even after false entries set forth in the transcript: Viz: Case was Dismissed by Order of the Court on page 16, line 12. Plaintiff then gave verbal notice of appeal of the order (line 15). On line 18 Counsel for Defendants belatedly discovered the case was dismissed without prejudice (by operation of law) and then Counsel for Defendants attempted to change the Order by stating "With Prejudice."

* Page # was inadvertently omitted in the original document.

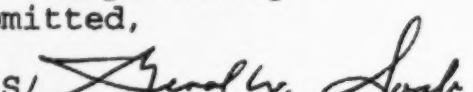
Please see also Plaintiff's Motions For Preliminary Injunction and Order to Stay (filed with the Court on July 14, 2000), page 5, wherein Plaintiff accurately reported possible predisposition by the Judge in the instant case as evidenced by the Judge's statement as follows, "Why would the FBI be interested in you?"

For evidence of other irregularities in the preparation of the instant transcript, see the attached letter and fax from Plaintiff to Dawn Bullock and Adriana Camelo (supervisors of Leonore LeBlanc) dated July 28 2000).

In view of the forgoing and in the interest of justice, Plaintiff moves the Court to grant: 1) Extension of time to file true and accurate and honest transcript and 2) Order to Compel Leonore LeBlanc to turnover to a Court Reporter designated by the Court all records (written, verbal or any other communication) including notes and audio tapings of the proceedings in the Lower Court on July 3, 2000, in this case. Plaintiff also requests the Court to issue any other Order appropriate to ensure the integrity of the present record on appeal.

Certificate of Service is Attached.

Respectfully Submitted,

S/ 

Dated August 20, 2000

Geral W. Sosbee
P.O. Box 36490
Los Angeles, Ca. 90036
(310) 594-8092

GARDENA CALIFORNIA POLICE DEPARTMENT
POLICE INCIDENT #P8005800083
ENETRED 02/27/00 20:49:39 BY
CMP3 /R633 AS TYPE 459R
DISPATCHED 21:26:53 BY DSP2
/R622
ONSCENE 21:26:53
CLOSED ADAST 02/27/00 21:48:28 BY
SPDX (#800664)

TYPE: 594R (MALICIOUS MISCHIEF, REPORT)
PRIORITY: 3
CITY CODE: P8 BEAT: 85 REPRORTING AREA:
0836 MAP 050 SOURCE: 9
LOCN: 16011 S WESTERN AVE #14, GAR NEAR W.
162ND ST.

NAME: GERAL SOSBEE PHONE: 523-3755

20:49:39 RECVD OCC TODAY, TO VEH
20:51:30 HOLD (R622)
21:05:26 CHGTYP (R622) 459R TO 594R
21:05:26 CHANGE (R622) 594 REPT PER DESK,
DESK WILLHANDLE WHEN
VICT COMES INTO STATION
21:05:42 UHOLD 8PDX (R622)
21:26:53 DISPOS (R622) 8PDX
21:27:53 PREMPT 8PDX
21:28:09 DISPOS 8PDX #800664 STAVCAVAGE
@STATION
21:29:48 UNAV 8PDX
21:37:09 MISC (825100) , SOSBEE D1771327
CAME TO THE GPD TO REPORT TAMPERING W/ THE
INSIDE OF HIS CAR. THE TAMPERING OCCURRED
WHILE HE WAS AT DINNER IN A RESTURANT IN LA.
HE DID NOT KNOW WHO DID THIS BUT HE SUGGESTED
IT WAS THE FBI . HE SAID THEY ARE TRYING TO
DESTROY HIS LIFE. AND ARE OUT TO GET HIM.
W/HEE SOOK CHA HIS WIFE WITNESSED THE
TAMPERING TO THE VEH. THE DAMAGE WAS A
BROKERN TURN SIGNAL SWITCH.
21:48:28 CLEAR 8PDX ADAST
21:48:28 CLOSE

BEVERLY HILLS POLICE DEPARTMENT
INCIDENT REPORT

CASE # 200003146
DATE/TIME REPORTED: 05-05-00/ 1750

TYPE OF INCIDENT: POSSIBLE VANDALISM
LOCATION: TYPE A CODE: 3370 ST. # 450 N. REXFORD DR.
DATE OCCURRED: 05-03-00 TIME: 1500-1900
DAY: WED

VICTIM
NAME: SOSBEE, GERAL WAYNE
DOB: 08-30-45 AGE: 54
SEX: M RACE:W HGT: 5'11" WGT: 161
HAIR: BRN EYES: BRN
RES. ADDRESS: 16011 S. WESTERN AV. #14
GARDENA, CA 90247
HOME PHONE: (310) 523-3755
BUSINESS ADDRESS: P.O. BOX 36412 LA, CA 90036
PHONE: (310)-594-8092
DL # D1771327 CA
OCCUPATION: ATTORNEY

SOURCE: I WAS ASSIGNED TO BHPD DESK
INVESTIGATION/STATEMENT: THE VICTIMS STATED THAT ON 05-03-00 AT APPROX 1500 HRS, HE PARKED
HIS VEHICLE ('85 CADILLACE, LIC # 1PBJ112)
IN THE CITY PRKG STRUCTURE (LIBRARY).

ON 05-03-00 AT APPROX 1900 HRS, (V) RETURNED TO HIS VEH AND DROVE TO HIS HOME. WHILE ENROUTE TO HIS HOME (APPROX. 5-25 MINS) SOMEONE INTENTIONALLY PUT WATER INTO V'S VEH (MECHANIC-PAUL V.S. AUTO REPAIR AND BODY SHOP, GARDENA) TOTAL COST $650.
REPORTING OFFICER: J. KIM #379
ID - .01755

GARDENA POLICE DEPARTMENT INC #8080

POLICE INCIDENT #P80013100080 CASE DR80003546
ENTERED 05/10/00 15:40:55 BY DSP2 /R364
DISPATCHED 15:40:55 BY DSP2 /R364
ONSCENE 15:40:55
CLOSED ADAST 05/10/00 16:00:09 BY 8PDX (#801178)

TYPE: 484R (PETTY THEFTM REPORT) PRIORITY 3
CITY CODE: P8
LOCN: 8PD (NV)

15:40:55 ONVIEW 8PDX 484R 8PD
15:40:55 DISPOS (R364) 8PDX #801178 HEITMEYER
15:41:03 CASE DR80003546 8PDX
15:59:53 MISC 8PDX , CANCEL #3546
16:00:09 CLEAR 8PDX ADAST
16:00:09 CLOSE
16:04:08 MISC (801178) , GERAL W SOSBEE 16011 S. WESTERN AVE #14 GARDENA 310-594 8092 CDL D1771327 0830-45 REPORTED THAT UNKNOW PERSON/S HAD POSSIBLY USED HIS CREDIT CARD WITHOUT HIS PERMISSION IN IRVINE CA AND THE STATE OF WASHINGTON. RP WAS ADVISED TO MAKE RPT WITH IRVINE PD BY OFC AND TO DISPUTE CHARGE WITH CREDIT CAR CO

CONSOLIDATED POLICE REPORT
IRVINE POLICE DEPARTMENT

DR# 00-8955
CODE SEC. - MISD. 484 IE PC- FRAUDULENT USE OF ACCESS CARD

CLASSIFICATION-PERSON
DAY OF WEEK- THU DATE- 4-20-00 TIMES- UNKNOWN
DATE REPORTED- 5-12-00 TIME: 1506

LOCATION: "PACK IT UP" IRVINE, CA (UNKNOWN ADDRESS)
IVOLVEMENT CODES
INVOLV: VIC
NAME: SOSBEE GERAL, W.
SEX: M RACE: W DOB: 8-30-45 AGE: 54
ADDRESS: P.O. BOX 36490 LA, CA 90036
PHONE: (310) 594-8092
OCCUPATION: RETIRED
REPORTING OFFICER: L. KEENAN
ID NUMBER: 5541
DATE 5-12-00

LOS ANGELES POLICE DEPARTMENT
PRIMARY INVESTIGATION

VANDALISM- INVEST. DIV. OUTSIDE 999

NAME: GERAL WAYNE SOSBEE
SEX: M DESC: W AGE: 54 DOB: 08-30-45
ADDRESS: P.O. BOX 36490 LA,CA 90036
PHONE: (310) 594-8092
DL #: D1771327
OCCUPATION: ATTORNEY
LOCATION OF OCCURACE: 16011 S. WESTERN AV. R.D. 999
DATE AND TIME OCCURANCE: 06-27-00 1130
DATE AND TIME REPORTED: 06-27-00 1345
TYPE DAMAGED: TIRE EST. DAMAGED: $35.00
VICT'S VEHICLE : 1985 CADILLAC SEVILLE, 4D, BLU, 1PBJ11
MO FOR SHORT FORM:
VICTIM STATED THAT HIS AT REAR TIRE WAS IN GOOD WORKING ORDER. UNK SUSPECTS USED A UNK HARD OBJECT AND SLICED HIS LEFT REAR TIRE. VICTIM'S TIRE UNRAVELED WHILE DRIVING.
TYPE OF REPORT: VANDALISM
PROPERTY D MAGE: BLK RUBBER $35.00
TOTAL AMOUNT $35.00